

DECISION RECORD
Bureau of Land Management
Rock Springs Field Office
DOI-BLM-WY-D040-2016-0158-DNA

WYW 162037

Summary

The proposed project would consist of approving the Alkali Gulch Unit #11-17D Application for Permit to Drill (APD) (WY-040-FY16-008). The proposed action is slightly over-lapping and located adjacent to the approved Alkali Gulch Unit #14-17D.

Decision

Based upon the analysis of the potential environmental impacts described in the Environmental Assessment (EA) for Alkali Gulch Unit #14-17D (WY-040-EA11-176), and supporting documents in the case file, it is my decision to approve the proposed action Alkali Gulch Unit #11-17D APD.

1. **Compliance with applicable laws:** The proposed action and alternatives were evaluated under the following authorities:

The approval will be made under the authority of section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181) and be subject to the terms and conditions in 43 CFR 3160. The approval also should be subject to the mitigation set forth in the application/surface use plan.

Green River Resource Management Plan and Record of Decision (signed August 8, 1997) as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region, Including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming (signed September 21, 2015).

2. **Selected Alternative:** The decision to approve the proposed action of the Alkali Gulch Unit #11-17D was selected.

Standard Stipulations

- The Lease Holder (LH) shall immediately notify the BLM Authorized Officer (AO) of any paleontological resources discovered as a result of operations under this authorization. The LH shall suspend all activities within 100 feet of the vicinity of such discovery until notified to proceed by the AO and shall protect the discovery from damage or looting. The LH may not be required to suspend all operations if activities can be adjusted to avoid further impacts to a discovered locality or be continued elsewhere. The AO will evaluate, or will have evaluated, such discoveries

as soon as possible, but not later than 10 working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources will be determined by the AO after consulting with the LH. Within 10 days, the LH will either be allowed to continue construction through the site, or will be given the choice of either (1) following the AO's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resources or (2) following the AO's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

- Any cultural resource (historic or prehistoric or object or feature) discovered by the LH, or any person working on his behalf, shall be immediately reported to the AO. The LH shall suspend all operations within 100 feet of the immediate area of such discovery. If the discovery is suspected to include human remains then all operations within 300 feet of the discovery shall be suspended. In either case, work within the vicinity of the discovery may not proceed until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO to determine appropriate actions to prevent the loss of significant cultural or scientific values. The LH will be responsible for the cost of the evaluation and any decision as to proper mitigation measures will be made by the AO after consulting with the LH.

Mitigation Measures

- A certified paleontologist who meets or exceeds the qualification standards recommended by the Secretary of the Interior will be on site at all times during construction and shall inspect any bedrock exposed during surface disturbing activities (such as the construction of the reserve pit, well pad, access road, etc). Any paleontological materials located during construction will be reported to the AO. Procedures for determining significance and/or effect will be established at that time. Cost of any further paleontological work will be borne by the LH.
 - To protect wintering big game populations, a timing restriction on surface disturbing and disruptive activities would be implemented from November 15 to April 30.
3. **FONSI:** I have determined that the proposed project is in conformance with the approved land use plan. I have reviewed this determination of NEPA adequacy (DNA) including the analysis of potentially significant environmental impacts found in WY-040-EA11-176. I have determined that the proposed action with the mitigation measures as identified in this DNA is not outside the scope of the analysis conducted in the previously mentioned EA, and it will therefore not have any significant impacts on the human environment so that an EIS is not required. It is my decision to implement the proposed action.
 4. **Public Involvement:** The public involvement associated with WY-040-EA11-176 and the subsequent review is adequate for the current proposal due to similar scoping levels. No additional public or interagency review was deemed necessary. Both APDs were posted for public comment for 30 days in which no comments were received.


Rationale for Alternative Selected: Regulation 43 CFR 1610.5-3 requires actions to be in conformance with the approved land use plan. The proposed action is in conformance with the following plan: Record of Decision (ROD) for the Green River Resource Management Plan (RMP), page 12, Oil and Gas Management (BLM 1997): "To provide for leasing, exploration and development of oil and gas, while protecting other values."

5. **Appeal Procedures:** This decision is subject to administrative review under BLM regulation in accordance with 43 CFR 3165. Any request for administrative review of this decision must include the information required under 43 CFR 3165.3(b), including all supporting documentation. Such a request must be filed in writing with the State Director (920), Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003, within 20 business days of the date such notice of decision was received or considered to have been received. This decision will be considered to have been received seven (7) business days from the date it is mailed. The decision of the State Director may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 3165.4. Each adverse party to any such appeal must be provided with all documentation in accordance with 43 CFR 4.413.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.


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5/26/2016
Date